

DOCUMENT 2

In the matter of the Royal Commission into the Robodebt Scheme

No NTG-0202

STATEMENT

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Address	Address known to the Commission
Occupation	Consultant
Date	27 February 2023

1. I refer to the Notice to Give Information in Writing and Produce Documents (NTG-0202) dated 15 February 2023 directed to me by the Royal Commission into the Robodebt Scheme (**Notice**).
2. I am retired from the Australian Public Service (**APS**) but continue to be involved with the APS through my work in my consulting business.
3. This statement is true and correct to the best of my knowledge and belief, having made inquiries in the time available to me since the Notice was received on 15 February 2023.
4. This statement has been prepared with the assistance of lawyers from the Australian Government Solicitor (**AGS**).
5. On 19 February 2023 lawyers from AGS made a request to the Solicitor Assisting the Royal Commission to narrow the scope of the Notice. On 24 February 2023 the Solicitor Assisting the Royal Commission indicated they consented to the proposed narrowed scope of the Notice.
6. In the time that has been available to me I have not had the opportunity to review all of the documents in relation to the below matters held by the Office of the Commonwealth Ombudsman (**Office**).
7. Should further documents or matters be brought to my attention in the course of the Royal Commission, I will seek to assist the Commission by providing a supplementary response.
8. The current Commonwealth Ombudsman, Iain Anderson, delegated authority to me under section 33 of the *Ombudsman Act 1976* (Cth) (the Act) to disclose information to the Royal Commission to assist its inquiries.

Question 1.

Set out your relevant qualifications and professional experience, including your employment history at the Office of the Commonwealth Ombudsman, and the positions held before and after your role at the Commonwealth Ombudsman.

9. I was the Commonwealth Ombudsman from May 2017 until July 2021. The role encompasses oversight of matters of administration and the handling of complaints about most of the Australian Public Service. It also fulfils a range of additional distinct roles including that of ACT Ombudsman, Immigration Ombudsman, Law Enforcement Ombudsman, Private Health Insurance Ombudsman, among others.
10. Prior to my appointment as the Commonwealth Ombudsman I was a career public servant from 1984 until May 2017, when I resigned to take up the statutory office of Ombudsman. I worked in the employment, workplace relations, education, immigration and border protection portfolios, the last 8 years of which were at Deputy Secretary level.
11. I retired in July 2021, but have since established my own consulting business. I have an Arts Degree from Queensland University.

Question 2.

Provide details of your knowledge of the circumstances and processes that led to the Commonwealth Ombudsman Investigations which were the subject of the 2019 and 2021 Reports.

12. I commissioned, oversaw the preparation of, signed off on and published both the 2019 and 2021 Reports. The circumstances leading up to each report were very different. I explain them below.
13. Both the 2019 and 2021 reports were 'own motion investigations'. The Act provides that the Commonwealth Ombudsman can undertake investigations of administrative action on an 'own motion' basis¹ and can choose how an investigation should be conducted. Staff from the Office assist the Commonwealth Ombudsman to conduct these investigations.
14. The preparation of an own motion investigation report can be an iterative process. Typically several drafts are prepared as evidence is gathered and analysed. My recollection is that this was true of both the 2019 and 2021 reports, not least because the subject of our investigation was not, itself, static. During the preparation of the 2019 report, DHS was making iterative amendments to how Robodebt operated, many of which related to implementing our earlier recommendations. During the preparation of the 2021 report, the scheme was being dismantled and refunds made.

The 2019 Report

2017 Report

15. As noted above, I was appointed as the Commonwealth Ombudsman in May 2017. The report that had been produced by my immediate predecessor (Mr Richard Glenn) had been published in April 2017.²

¹ Factsheet 'Ombudsman Investigations'

https://www.ombudsman.gov.au/__data/assets/pdf_file/0030/35598/Ombudsman-Investigations.pdf

² CTH.3004.0010.5247

16. As set out in the Executive Summary, this report, was prompted by the many complaints that the Office had received from people who had incurred debts under the online compliance intervention (OCI) and the Office was intensively working to assist individual complainants. I was also aware that there had been extensive media and political commentary about the Robodebt Scheme.
17. I read Mr Glenn's 2017 report very early in my term. Mr Glenn's report was:

*...concentrated on the accessibility, usability, and transparency of the system, including quality of service delivery and procedural fairness...*³
18. I was impressed by the way in which it had identified a range of administrative shortcomings in the Robodebt scheme and the recommendations that he had made including that:
 - a) DHS should reassess whether the application of the recovery fee was appropriate, taking into account the customer's personal circumstances, including the existence of a reasonable excuse;
 - b) The additional information and explanations that should be provided in initial contact letters;
 - c) DHS should inform customers that if they do not enter their income information then ATO income will be averaged evenly across the relevant period which may result in a debt and that this debt may be less accurate than debts based on actual income;
 - d) DHS should use its powers to request evidence directly from a financial institution when it would cause financial hardship to a person to obtain the bank statements;
 - e) DHS should use its coercive powers to obtain income information from third parties (like banks and former employers) where despite reasonable attempts they have been unable to obtain this information;
 - f) DHS should ensure that its phone lines were adequately resourced;
 - g) DHS produce publicly available information for customers on how to use the OCI system;
 - h) DHS should systemically capture and record information obtained from complaints and internal reviews and use this information to continuously improve the OIC system from the customer's perspective;
 - i) DHS should extend the current vulnerable (staff assisted) cohort to include current and former customers with a payment nominee who is court appointed or an organisation or customers with a current homelessness flag on their record;
 - j) DHS should consider making outbound calls to vulnerable people where they have not responded to letters and that DHS should consult with relevant stakeholders about the difficulties vulnerable groups may face when engaging with the OCI; and

³ CTH.3004.0010.5247 at .5250

- k) Before undertaking an expansion of the OCI it should be reviewed in its current form and further consideration should be given as to how to mitigate the risk of possible over-recovery of debts.
19. I was of the view that Mr Glenn's recommendations were sensible and practical and, if implemented, would help overcome many of the problems in the scheme, including with respect to accessibility and transparency.

Commencing Own Motion Investigation

20. In September 2017, I decided to conduct a further Own Motion investigation into whether the recommendations of the 2017 report had or were being satisfactorily actioned by both DSS and DHS. This seemed to me, at the time, to be an effective way in which I could hold the DSS and DHS to account for their administration of the scheme, which by then was both well established and plainly a high priority for the Government of the day, despite the surrounding controversy. I took a similar approach to several other matters, where I would also go back after some time to check that agencies had actually done what we recommended they should do.
21. To my mind, there was nothing unusual about the process of establishing the investigation, and the decision to do so was mine alone. Having decided to proceed, with a further own motion investigation, I took the following steps with respect to commencing the investigation:
- a) advised Secretary Leon of DHS and Secretary Campbell of DSS of my intent to undertake the investigation; and
 - b) forming a small team of staff, guided by their Senior Assistant Ombudsman, Deputy Ombudsman and ultimately myself, to commence work. Although there was some turnover of senior staff in the Office, the Deputy Ombudsman who oversaw most of the investigation was Jaala Hinchcliffe.
22. In April 2019, the 2019 Report was published. It found that the DSS had implemented the recommendation for which it was responsible from the 2017 report; and that DHS had made progress in implementing the remaining recommendations, albeit that there was more to be done.

The 2021 Report

23. The environment within which Robodebt was operating had changed fundamentally by the time I commissioned the 2021 Report in March 2020.
24. In November 2019, after a lengthy period of public debate about the scheme and, in particular, whether or not the scheme was created on a sound legal basis, I was advised in a telephone call from the then Secretary of DHS, Renee Leon, that DHS had received advice from the Solicitor General to the effect that those legal foundations were fundamentally flawed. This set in motion a lengthy process whereby the Government, through DHS, was required to identify which debts that had been raised under the scheme lacked a legal basis and then to go about refunding or waiving those debts. I was mindful that, at the same time, a major class action lead by Gordon Legal was progressing through the courts against the Government in relation to Robodebt. Nevertheless, following discussions with my staff at the end of 2019 and the beginning of 2020, it struck me that it could be a useful complementary activity for my Office to scrutinise and

report on the administrative processes whereby DHS was seeking to right the catastrophic wrong that the raising of hundreds of thousands of legally flawed debts created, to the extent that was possible.

25. As was the case with regard to the 2019 report, the decision to undertake the investigation was mine; I notified the relevant senior officials and commissioned a small team to undertake the work.

Question 3

Set out your involvement in the Investigation and how, to your knowledge, they were conducted.

26. I took a close personal interest in both of the investigations, just as I would with respect to every Own Motion investigation that the Office conducts. Although I cannot specifically recall all the tasks I undertook, generally these would have included:
- a) settling on the initial scope of the exercise;
 - b) settling on the broad project plan for its execution, including issues such as how and when the team would engage with the relevant agencies;
 - c) ensuring we deployed adequate resources to the task;
 - d) regular meetings with the team about progress;
 - e) review of draft high level findings, and
 - f) finalisation of the draft and final reports.
27. With respect to Robodebt, I was always very keen to ensure that we were paying close attention to what complaints to the Office were telling us, what issues they were highlighting, so that our investigations could be grounded in real human experience.
28. The usual practice for procuring reports included the following:
- a) draft and final reports would be provided by me in writing to the Secretaries of DHS and DSS. I recall this occurred for both the 2019 and 2021 Reports.
 - b) From this, the DHS and DSS would be afforded a reasonable opportunity to comment on our emergent findings, partly as a matter of due process and partly to ensure that our analysis was soundly based.
 - c) Sometimes the Office would accept suggestions of a Department/Agency to amend our report; sometimes we would not, depending on the merits of the argument.
 - d) I would also make myself available to my team, or to senior officials in the relevant Department / Agency, if there were particular sensitivities to discuss.

29. Set out on pages 5 and 6 of the 2019 Report and page 5 of the 2021 Report is the Office's investigation methodology. Either or both of the Investigations included tasks such as:
- a) analysis of complaint data;
 - b) multiple data and information requests;
 - c) provision of draft policy updates, customer facing materials and systems for Ombudsman comment;
 - d) user testing of Commonwealth Ombudsman suggestions;
 - e) dedicated monthly Employment Income Confirmation (EIC) meetings with DHS;
 - f) further discussion at regular liaison meetings, including Senior Executive Service (SES) level liaison meetings with both departments, and quarterly director level debt meetings and internal review meetings with DHS;
 - g) ad hoc officer level and SES level meetings on discrete issues;
 - h) review of a number of parallel individual complaint investigations.

Question 4

Set out your involvement in the meeting held on or around 17 May 2018 between the Agency and the Ombudsman's office, about legal issues relating to debt recovery action arising from the Robodebt scheme.

30. As noted above, the scope of the 2019 report was to assess and report on the extent to which DHS had, or had not, adequately implemented the recommendations that had been contained in the 2017 report.
31. Shortly after becoming the Commonwealth Ombudsman in 2017, a separate but critical issue came to my attention. Some legal experts, which included Professor Terry Carney, and other commentators were of the view that there were flaws in the fundamental legality of the Robodebt scheme.
32. I am not legally qualified and did not study law. In order to understand the legal issues that had been raised, I therefore relied on staff who worked at the Office and were legally qualified and who advised me. At that time, I sought to understand whether the Office had formed a view on the question of legality and how, or in what way, the Office might respond. To do this, I had discussions with my staff, and in particular, Louise MacLeod who was legally qualified and who had been heavily involved in the 2017 report. I recall that I was informed that the Office had been provided with legal advices, in the context of the preparation of the Office's 2017 report, which had been generated in the DSS and DHS that indicated the Robodebt scheme was consistent with the relevant legislation. While I recall there was some doubt raised about the use of "averaging" to determine debts in an earlier advice, the Department's more recent advice, and

the position put to us, was that “averaging” was consistent with the legislative framework. The Office’s 2017 report also contains advice from the DSS Secretary Pratt to the effect that the legal requirements were met.

33. It was evident, therefore, that there were competing points of view. Throughout the latter half of 2017 I had a number of discussions with my staff, including Louise Macleod and other staff working on our investigations, which focused on the following considerations:
- a) That the position had been taken at the time that the 2017 Report was finalised that the issue of legality could only be determined definitively in a court of law;
 - b) That the Office’s expectation would be that, given the large numbers of affected DHS customers, the legality of the scheme would be tested in the AAT and the courts; and
 - c) That we had not formed a definitive view on the point; and
 - d) That in any event, the Ombudsman is not empowered to make a binding decision on a contested legal point.
34. With respect to point (c) above, there were comments made from time to time by DHS officers, including to the media, that the Ombudsman had found, in the 2017 report, that the Robodebt scheme, including the use of “averaging” was lawful. However, when I was briefed by Ms MacLeod and other staff on this issue upon arriving in the Office, it became clear to me that the Office’s view was that we had not made such a definitive finding. Rather, I was briefed to the effect that the 2017 report said, and was intended to convey, that if all of the appropriate income data was loaded into the online compliance system, the system was capable of calculating an accurate debt. While it did not make a finding that “averaging” was unlawful, the Office did not expressly find that Robodebt met all of the legislative requirements.
35. For additional context, I should add here that there were occasions during my term as Commonwealth Ombudsman where the Office actively questioned or raised doubts about the legality of various aspects of administration. This typically occurred where relatively straightforward provisions in the statute were demonstratively being breached (for example, there are very specific provisions in various laws pertaining to covert or intrusive law enforcement activity where the Office would often highlight that such specific provisions were not being met). Sometimes, if there was doubt, we would encourage the relevant law enforcement agency to seek legal advice on its approach as a way of seeking assurance on their approach and, as necessary, make adjustments. Robodebt was different to this: here was a scenario where the relevant agencies were putting to us that their program was legally sound, based on their most contemporary legal advice, despite external critiques to the contrary. In my experience, not least in what is now the Department of Home Affairs, it is not unusual for lawyers in various fields to hold a view that the Commonwealth’s legal position is flawed. Sometimes they are right; and sometimes they are wrong, and thus there are many contested visa, citizenship and refugee matters being considered in the courts.
36. All this being so, I took the position in 2017 that our better course was to continue to focus on the “bread and butter” issues of seeking to improve the administration of the Robodebt scheme, whilst taking a close interest in how the tribunals or courts might approach the issue.

37. Towards the end of 2017, the Government appointed a new Deputy Ombudsman to the Office, Ms Jaala Hinchcliffe. I quickly developed a high regard for Ms Hinchcliffe's legal expertise and so, either at the end of 2017 or early in 2018, asked her to have a fresh look at the arguments that were circulating about the legality of the scheme (such as those being mounted by Professor Terry Carney), and the earlier advices we had received. I was mindful that it did not seem to be the case that the matter was being resolved in the AAT, at least not definitively.
38. In the early part of 2018, Ms Hinchcliffe and I discussed the issue at some length and I began to form a view that there was a material risk that the scheme could, indeed, be unlawful, particularly as a result of the use of "averaging".
39. We sought an opportunity to raise our concerns directly with senior representatives at DHS and on 17 May 2018, Ms Hinchcliffe and I met with Annette Musolino (Chief Counsel) and Rebecca Cross (Deputy Secretary, Integrity and Information) who were also accompanied by 5 or 6 other DHS staff members who I am now unable to recall.
40. At that meeting, Ms Hinchcliffe and I specifically and directly raised questions about how and whether the concept of "averaging" was legally sound, going as it did to the core problem that debts in a very specific amount were being raised in circumstances where it could not be certain that the specific amount was accurate. To the best of my recollection, at the meeting Ms Cross and Ms Musolino argued very strongly against that proposition and advised us that they were very confident of their legal position. They presented us a series of legal arguments to support their view. I had hoped the meeting might prompt DHS to give fresh consideration to the issue. However, the meeting did not resolve the issue.
41. Following the meeting on 17 May 2018, Ms Musolino sent an email to Jaala Hinchcliffe in which she set out '*a summary of the key points from the department's presentation in that meeting.*'
42. On 24 May 2018, Ms Hinchcliffe responded to Ms Musolino and wrote:

"...I have seen the legal advice that was provided by DHS and DSS to our office during the own motion investigation and while this was touched on by the 2014 DSS advice, which was provided in its short advice that "a debt amount derived from annual smoothing or smoothing over a defined period of time may not be derived consistently with the legislative framework", it was not canvassed in the other advices."
43. In the email described above at paragraph 42, which Ms Hinchcliffe and I agreed that she would send, she also:
 - a) raised questions about how deriving a debt by "averaging" could be consistent with the legislation if the amount of the debt exceeded that which would be derived if all of the income information had been gathered;
 - b) queried whether DHS had ever sought external legal advice on the point; and

- c) specifically requested that DHS was not to assert in the media that the Ombudsman's office had found that Robodebt met all legal requirements.
44. On 8 June 2018, Ms Musolino responded to Ms Hinchcliffe's email.⁴ Ms Musolino provided further legal argument as to why the Department's position was sound. She also acknowledged that the Department's media lines had been amended to refrain from asserting that the Ombudsman's office had found that Robodebt met all legal requirements.
45. My recollection is that I saw both the email Ms Hinchcliffe sent to Ms Musolino, and her reply and that Ms Hinchcliffe and I discussed the issues.

Question 5

Explain why a section entitled "Comment on Legality" was removed from the 2019 Report.

46. The focus of the 2019 Report was on whether DHS and DSS had implemented the recommendations of the 2017 report. However, as described above, in parallel with that work the question of the legality of the scheme had become a serious concern for me.
47. On 22 February 2019, my office sent to Secretary Leon of DHS a letter dated 21 February 2019⁵ and copy of my draft report.⁶ In my letter to Secretary Leon, I invited her to comment on the draft report. I informed her that DHS's formal response would be published as an appendix to the report. Part 4 of this report was the section titled 'Comment on Legality'.⁷
48. I decided to use the draft of the report as a vehicle for escalating my concerns. At this time, I had not formed a definitive view that the scheme was unlawful. Rather, I was concerned that there were serious doubts and, if the doubts were upheld by a court, the ramifications would be profound. By this time, I was particularly seized of the fact that all of the legal advice and argument that had been or was being mounted in the scheme's defence were, to my knowledge internally driven (ie from DHS or DSS). Authoritative legal advice from an external source had never been, to my knowledge, sought by the departments.
49. Against this background, with assistance from my staff I included a short note about the legality of the scheme in the draft report. Shortly after doing so, my staff told me that the DHS officials with whom they were dealing were very concerned about its terms. This was consistent with my sense at the time that the position of DHS was very entrenched and that questioning of the legality of the scheme was unwelcome. At or about that time I made contact with the Secretary of DHS with a view to discussing the issue.
50. On 1 March 2019, I met with Ms Leon, Secretary of DHS, at her office in Canberra. My recollection is that she and I met alone. With respect to the "comment on legality" element of the 2019 report, my recollection is that Ms Leon argued that, because the legality of the Robodebt scheme was by then before the courts, it would be inappropriate for me to raise doubts about the issue in a public report. My recollection is that she appreciated that I had doubts, but

⁴ CTH.3007.0009.1941

⁵ CTH.3704.0002.2200

⁶ CTH.3704.0002.2201

⁷ CTH.3704.0002.2201 at .2230

that the Department's position remained that the scheme was lawful. I listened to her concerns and requested Ms Leon to put her concerns in writing so that I could further consider the matter.

51. On 8 March 2019, I received an email from Ms Leon. In her email to me she wrote:

"I am concerned that your comments clearly imply that there is doubt as to the legality of the EIC system. Comments made by the Ombudsman on this aspect will undoubtedly be cited in public commentary, in circumstances where a court is yet to determine the matter. I think it is particularly undesirable to buy into the argument about legality when litigation is on foot, as comments from the Ombudsman as a significant part of the administrative law system may be considered to be pre-judging the outcome or may in fact prejudice the issue.

For these reasons, I ask that the commentary regarding the legality of the EIC system be removed from the Implementation Report and that further commentary may be reserved until after the Federal Court matter has concluded."

52. On 18 March 2019, I responded to Ms Leon and indicated I would remove the section on legality from the report.⁸

53. I decided to accede to Ms Leon's request for the following reasons:

- a) First and foremost, the question of the legality of the scheme was now indeed before the courts, in that I was aware from media reporting that Ms Masterton had commenced proceedings in the Federal Court. Given the Ombudsman is a part of the architecture of administrative review I concluded, on reflection, that it was not appropriate for me to make public comment on the topic in that context.
- b) Given DHS's reaction to raising the legality question, I did not think publishing the "comment on legality" would have any useful effect. Indeed, it might have had the opposite effect, by reducing the willingness of DHS to engage productively with me and my Office in trying to improve the operation of the scheme.
- c) I had made my point. During the course of 2018 and into 2019, I had formed in my mind a serious concern and fulfilled what I saw to be my responsibility to raise that concern with the most senior responsible officials. Whether or not I published that concern was a secondary issue.

54. I also considered the case for publishing the comment, particularly as a means of responding to critics of the Office who perceived that the Office had simply turned a blind eye to the question of whether the scheme was lawful. Yet the Ombudsman Act stipulates that the Ombudsman investigates in private, and it is ultimately up to the Ombudsman to determine whether or not to publish their views or findings. In my judgement, refraining from publishing the comment, at that point in time, was the right thing to do.

⁸ CTH.3003.0001.0718

Question 6

Describe your view as to:

(a) whether there were any deficiencies in the processes followed in the Investigations or in the 2019 and 2021 Reports. If so, what was the cause of those deficiencies, and what changes could be made to avoid those deficiencies arising in future investigations; and

(b) the extent to which the Commonwealth Ombudsman provided an accountability mechanism for government conduct in relation to the Robodebt scheme, and the effectiveness of that accountability mechanism following each of the Reports.

55. I have reviewed the 2019 and 2021 reports in preparing this statement. Although it may be that evidence comes to light in the course of the Royal Commission's work that casts doubt on some aspect of the process of their preparation, or on their content, I have never had any reason to date to doubt the quality or accuracy of the work. As noted above, both reports were prepared by diligent, professional people trying to make a useful contribution to a very difficult issue.
56. They went to great lengths to scrutinise the various systems, data and materials that were obtained as part of the investigations. In my judgement, they operated with the highest integrity with a view to both holding the relevant agencies to account, while also making a constructive contribution to how the scheme was administered (in the first report) and subsequently dismantled (in the second).
57. Of course, today we look back with full knowledge that the Robodebt scheme was legally flawed. At the time of preparing the 2019 report this was still contested territory. I am satisfied that my Office and I were right to raise doubts about that core question. Once those doubts were rebuffed, I concluded that we had done what we reasonably could with the information and knowledge at our disposal, and that the matter could only be resolved in the courts, which subsequently occurred. It is critically important to bear in mind that the Office does not have the power to make binding findings about contested legal questions; it can seek to influence, and that is what we sought to do. Fundamentally, I concluded that DHS was no longer listening.
58. Looking back, with the benefit of hindsight, it might have been useful to have recommended to the Departments at an earlier stage that they seek external legal advice to ensure their legal position was sound, or to otherwise take remedial action. That might have accelerated the process whereby the scheme was ultimately found to be flawed. That said, given how strenuously the Department defended its position when I and my colleagues raised doubts, and pushed back against external critique, it may be that such a recommendation would not have been accepted.
59. At the time, I did consider various other options that might be at my disposal, particularly to do with the question of the scheme's legality. I considered writing to the relevant Ministers to raise concerns, along the lines of the "comment on legality" material included in the draft 2019 report, yet concluded that this was unlikely to have any effect. The Government's most senior ministers were plainly committed to Robodebt. Had I raised doubts about the scheme's legality with them, I calculated that they would have taken advice from the relevant Department, which would in turn have assured them that the scheme was legally sound.

60. I was aware that the Ombudsman has a little-used power to refer questions of law to the AAT or the Federal Court. Yet, re the former, I was aware that cases of contested Robodebts were being referred to it without this having the effect of resolving the issue in a definitive way. And with respect to the Federal Court, by the time I had escalated my concerns, in writing, to the relevant Departmental Secretary, the matter was already before the courts, and hence such window as might have existed for me to have changed the course of the Department's handling of the issue had passed by.
61. I considered whether to seek external legal advice myself about the question but again concluded that such advice would, as likely as not, be repudiated by the Department. The role I was trying to play was to find a way to influence them, to think afresh about the risk they had created and take steps to address that risk, and that goal underpinned the actions which I took. Regrettably, from this vantage point, with respect to the question of legality I could not find a way to achieve that goal.
62. More generally, I consider that the Ombudsman's office did fulfil its role as an accountability mechanism during my term in the office. We fulfilled our core responsibility to receive and investigate complaints about the administration of the Robodebt scheme. We pressed for, and secured, improvements in how the scheme operated so that some of the worst features of its initial rollout were remedied, in whole or in part. As the scheme was dismantled we scrutinised and reported on how that was being achieved as a further means of holding the Department to account. We assisted the relevant Parliamentary committees and a number of individual Parliamentarians as they sought to raise concerns about the scheme's operation. Finally, informed in part by the Robodebt experience we published an updated guide on the use of automated decision making in Government administration which, if used by government agencies, might assist in avoiding a repeat of the Robodebt debacle. In the end, my judgement is that at the time we did what we thought we could reasonably do with the tools and knowledge at our disposal.

Signature of witness:



Name of witness:

Michael Manthorpe

Date

27 February 2023